

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FERNANDO NIEVES, JR.,

Plaintiff,

-V-

NEW YORK CITY DEPARTMENT OF EDUCATION,
et al.,

Defendants.

24-CV-06267 (JAV)

ORDER

JEANNETTE A. VARGAS, United States District Judge:

By order dated August 20, 2024, Chief Judge Laura Taylor Swain granted Plaintiff's request to proceed in forma pauperis ("IFP").

By Order dated May 2, 2025 (ECF No. 45), the Court authorized Plaintiff to file an amended complaint, which was filed on May 22, 2025. (ECF No. 47). In the Second Amended Complaint, Plaintiff names 12 new defendants: Michael Weinstein (in his individual and official capacity), former Assistant Principal for Organization of Leon Goldstein High School; Ann Organisciak (in her individual and official capacity), former NYCDOE Local Instructional Superintendent; Marilyn Horan (in her individual and official capacity), former Assistant Principal for Humanities of Leon Goldstein High School; Audrey Jacobson, MD (in her individual and official capacity), former NYCDOE Medical Director of Medical, Leaves, and Benefits Office; Eliane Meyer, MD (in her individual and official capacity), former NYCDOE Deputy Medical Director of Medical, Leaves, and Benefits Office; Yvonne M. Joseph (in her individual and official capacity), former Medical Manager of NYCDOE Division of Human Services; Giavanna Henson (in her individual and official capacity), former NYCDOE Director of Medical, Leaves, and Benefits Office; Mercuria Gibson (in her individual and official capacity), former NYCDOE Director of Medical, Leaves, and Benefits Office; Eric Nadelstern (in his individual and official capacity), former NYCDOE Chief

Executive Officer of Empowerment Schools; Kit Wainer (in his individual and official capacity), former U.F.T. Representative at Leon Goldstein High School; Anthony Sclafani (in his individual and official capacity), former U.F.T. Special Representative for Brooklyn Office; Aristotle Galanis (in his individual and official capacity), U.F.T. Representative for Murry Bergtraum High School (collectively, the “New Defendants”). ECF No. 47.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

Under *Valentin v. Dinkins*, a pro se litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the Amended Complaint, Plaintiff supplies sufficient information to permit the DOE to identify service addresses for the New Defendants. It is therefore ordered that the New York City Law Department, which is the attorney for and agent of the DOE, must ascertain service addresses for the New Defendants. The Law Department must provide this information to the Court and Plaintiff within 30 days of the date of this order. Alternatively, to the extent the Law Department is authorized to accept service of the Amended Complaint upon behalf of any of the New Defendants in their individual capacities, it can so inform the Court in lieu of providing service addresses.

Upon receiving service addresses, the Court will issue an order directing the Clerk of Court to complete the USM-285 forms with addresses for the New Defendants and to deliver all documents necessary to effect service to the U.S. Marshals Service.

SO ORDERED.

Dated: August 6, 2025
New York, New York


JEANNETTE A. VARGAS
United States District Judge